IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NOS.15471 AND 16789 OF 2002

WRIT PETITION NO : 15471 of 2002

Between:

Para Venkateshwarlu S/o.P.Guruvaiah
R/o.Ward.No.22 Shanthinagar
Khammam

..... PETITIONER

AND

1 Government of Andhara Pradesh
rep.by its Secretary Higher Education Department Secretariat
Hyderabad
2 The Commissioner of Intermediate Education
Govt. of A.P Nampalli
Hyderabad
3 The Regional Joint Director of Intermediate Education
Warangal
4 Principal Govt. Junior College for Boys
Sathupalli Khammam District
5 Alluri Srirama Raju
Government Junior College Khammam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the G.O.Ms.No.55, of Higher Education (H.E.I)

Department dated 2-8-2002 shifting the A.S.R Government Junior College at Shanthinagar, Khammam as illegal and arbitrary and consequently set aside the G.O.Ms.No.55, Higher Education (H.E.I) Department dated 2-8-2002 with as direction to continue A.S.R Government Junior College at Shanthinagar, Khammam and pass such further order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: GP FOR HIGHER EDUCATION

AND

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WRIT PETITION NO : 16789 of 2002

Between:

Student Federation Of India Khammam Town Committee
rep.by its Secretary:A.Satyanarayana Havin its Office at Balajinagar
Khammam

..... PETITIONER

AND

1 Government of Andhra Pradesh
rep.By its Secretary,Higher Education Department Secretariat
Hyderabad
2 The Coammissioner of Intermediate Education
Govt.of A.P,Nampally Hyderabad
3 The Regional Joint Director of Intermediate Education
Warangal
4 The Dist Vocational Educational Officer
Khammam & Nalgolda Khammam
5 The District Collector
Khammam
6 Alluri Sri Raam Raju Govt.Jr.College
Khammam rep.by its Principal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in shifting the A.S.R.Govt.Jr.College at Shanthinagar, Khammam as illegal, arbitrary and liable to be set aside and to pass such order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.RAGHU

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court made the following:

COMMON ORDER: **(per the Hon'ble The Chief Justice)**

Both these writ petitions were filed to declare the G.O.Ms.No.55 Higher Education (HE.I) Department, dated 02.08.2002, as illegal, arbitrary and without jurisdiction.

While taking note of the allegations that the State Government had decided to shift Alluri Srirama Raju Government Junior College located in Shantinagar area of Khammam town to Sathupalli in Khammam District and to convert the same as Government Junior College for Girls, earlier a Division Bench has remarked that there was justification in the proposal of the Government in establishing a separate Junior College for Girls at Sathupalli and that part of the decision will not be disturbed since it was the policy of the Government to establish colleges for girls. But so far as shifting of Alluri Srirama Raju Government Junior College located in Khammam town to Sathupalli is concerned, the Bench observed that there was some force in what the petitioners allege that if Alluri Srirama Raju Government Junior College is shifted from Khammam town, the students of that locality, who were mainly from scheduled castes, scheduled tribes and backward classes and studying there for several years, would be subjected to irreparable loss and injury. Accordingly, the operation of G.O. was suspended. Status-quo was directed to be maintained.

Learned counsel for the petitioner in W.P.No.16789 of 2002 states that he has come across information that the impugned G.O.Ms.No.55 stands withdrawn by the Government.

Since the very G.O. has been withdrawn, the writ petitions have been rendered infructuous, and we dispose of the same with liberty reserved to the writ petitioners for reviewing, in case of any grievance surviving or G.O. not having been withdrawn.

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(DEVINDER GUPTA, CJ)

14.02.2005

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(B.SESHASAYANA REDDY, J)

DR

To

1 Government of Andhara Pradesh
rep.by its Secretary Higher Education Department Secretariat
Hyderabad
2 The Commissioner of Intermediate Education
Govt. of A.P Nampalli
Hyderabad
3 The Regional Joint Director of Intermediate Education
Warangal
4 Principal Govt. Junior College for Boys
Sathupalli Khammam District
5 Alluri Srirama Raju
Government Junior College Khammam

6 2 CCs to Government Pleader for High Education, High

Court Buildings, Hyderabad. (OUT)

7 2 CD copies

8 The District Collector, Khammam.

9 The District Vocational Educational Officer, Khammam and Nalgonda.